IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 37002 of 2007(E)

PETITIONER:

VISHNU NAMBOODIRI A,INDUSTRIES
EXTENSION OFFICER,TALUK INDUSTRIES OFFICE,
KOZHIKODE-1.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,INDUSTRIES DEPARTMENT,
SECRETARIAT,THIRUVANANTHAPURAM.

2. DIRECTOR OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN,THIRUVANANTHAPRUAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).37002/2007

Dated this the 14th day of December, 2007

JUDGMENT

Petitioner is working as Industries Extension Officer in the Department of Industries. According to him, he is entitled to be promoted to the post of Technical Officer. He refers to the fact that with effect from the amendment of the Special Rules as per Ext.P6 order dated 17.2.2001, which is given retrospective effect from 1983, all the 14 posts, which are mentioned as feeder category in the post of Technical Officer, stand abolished. But Special Rules for the State service have not been amended as to include the post of Technical Officer therein. According to the petitioner, nevertheless by executive orders, Government has promoted Industries Extension Officers as Technical Officers on provisional basis. Reference is made to Ext.P7. Petitioner has approached the Government vide Ext.P9 representation.

2. In my view, on abolition of the posts which were included in the feeder category for promotion to the post

of Technical Officer and in the absence of provision for the same in the Special Rules for the State Service, there is lacunae which has to be addressed by the Government.

3. After hearing the learned Government Pleader also, writ petition is disposed of directing the first respondent to consider Ext.P9 in the light of the observations made above and take appropriate decision thereon within a period of two months from the date of receipt of a copy of this judgment.

V.GIRI,
Judge

mrcs